

REMARKS

Claims 1, 2 and 4-10 are pending in this application. By this Amendment, claims 1 and 10 are amended to incorporate the features of claim 3, claim 3 is canceled without prejudice to, or disclaimer of, the subject matter recited therein, and claim 4 is amended to depend from claim 1. No new matter is added. Reconsideration of this application in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1-7 and 10 under 35 U.S.C. §102(e) over Ueda et al. (Ueda I), U.S. Patent Application Publication No. 2004/0013919 A1. The rejection of canceled claim 3 is moot. The rejection of claims 1, 2, 4-7 and 10 is respectfully traversed.

Ueda I does not disclose a fuel cell system having change means that increases the supplied quantity of oxidizing gas when an operation abnormality is detected, as recited in independent claim 1, and as similarly recited in the method of independent claim 10.

Ueda I discloses that, when a high hydrogen concentration is detected and a purging operation is restricted, the amount of reaction gases (hydrogen and air) is reduced (paragraphs [0054] and [0058]). That is, Ueda I discloses decreasing an amount of reaction gases when an abnormality is detected, and does not disclose increasing a supplied quantity of oxidizing gas in such a circumstance. In this regard, Ueda I discloses the opposite of what Applicant claims.

The Office Action cites paragraph [0008] of Ueda I as allegedly disclosing the features of canceled claim 3 (now incorporated into independent claims 1 and 10). However, paragraph [0008] of Ueda I merely discloses that purged hydrogen can be diluted with air discharged from a cathode side to reduce the hydrogen concentration released into the atmosphere. This purging operation occurs as a result of the normal operating conditions of the fuel cell stack. As such, paragraph [0008] of Ueda I does not disclose increasing the amount of air discharged from a cathode side in response to the detection of an abnormality.

Therefore, Ueda I does not disclose a fuel cell system having change means that increases the supplied quantity of oxidizing gas when an operation abnormality is detected, as recited in independent claim 1, and as similarly recited in the method of independent claim 10. Therefore, independent claims 1 and 10, and dependent claims 2 and 4-7 are patentable over Ueda I. Thus, it is respectfully requested that the rejection be withdrawn.

The Office Action rejects claims 8 and 9 under 35 U.S.C. §103(a) over Ueda I in view of Ueda et al. (Ueda II), U.S. Patent No. 6,864,003 and further in view of Yamamoto et al. (Yamamoto), U.S. Patent Publication No. 2003/0077488 A1. The rejection is respectfully traversed.

The combination of Ueda I, Ueda II and Yamamoto does not disclose, and would not have rendered obvious, a fuel cell system having an oxidizing gas supply increase means for increasing a supplied quantity of oxidizing gas when an abnormality of a purge valve is detected, as recited in independent claim 8.

The Office Action acknowledges that Ueda I does not disclose the above features but cites Yamamoto as allegedly overcoming the deficiency (see page 5 of the Office Action). Yamamoto discloses diluting purged hydrogen with air after a purge operation (see paragraph [0080]). However, the purge operation in Yamamoto is not performed as a result of detecting an abnormality in a purge valve. Rather, Yamamoto teaches that the ejector and hydrogen pump require purging and that purging occurs during the normal operation of the fuel cell system of Yamamoto (see paragraphs [0002]-[0005]). Therefore, the purging and dilution with air in Yamamoto is not performed due to detecting an abnormality in a purge valve. Ueda II fails to overcome the deficiencies of Ueda I and Yamamoto. Therefore, the combination of Ueda I, Ueda II and Yamamoto does not disclose, and would not have rendered obvious, a fuel cell system having an oxidizing gas supply increase means for increasing a supplied quantity of oxidizing gas when an abnormality of a purge valve is

detected, as recited in independent claim 8. Therefore, independent claim 8 and dependent claim 9 are patentable over the combination of Ueda I, Ueda II and Yamamoto. Thus, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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